

Mayor Joseph S. Kroll  
Council Vice President Jay G. Foy  
Council Member Henry "Butch" Lynch  
Assistant Town Administrator / Town Clerk Janice C. Rutan  
Town Attorney John Foster

Council President James E. Woods  
Council Member Jerry E. Beavers  
Council Member Mark C. Uptegraph



**TOWN COUNCIL REGULAR MEETING**  
**Town Council Meeting**  
**Town Hall Council Chambers**  
**Thursday ~ July 12, 2007**  
**7:00 p.m.**  
**AGENDA**

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- VI. APPROVAL OF THE CONSENT AGENDA**
  - a. Approval of the minutes of the May 24, 2007 Regular Meeting**
  - b. Approval of the minutes of the June 5, 2007 Workshop**
  - b. Approval of the minutes of the June 14, 2007 Regular Meeting**
- VII. COMMENTS FROM THE PUBLIC**
- COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**
- PROCLAMATIONS AND PRESENTATIONS**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
  - None**
- X. ~~FIRST READINGS AND~~ REGULAR AGENDA**
  - a Update on the proposed Stacy Street Elementary School**
  - b RESOLUTION NO. R2007 - 03**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA SUPPORTING THE PROPOSED AMENDMENT TO THE PALM BEACH COUNTY CHARTER; PROVIDING THAT THE DISSEMINATION OF INFORMATION CONCERNING THE IMPACTS OF THIS AMENDMENT ON THE CITIZENS OF THE COUNTY AND THE TOWN OF HAVERHILL ARE ESSENTIAL TO THE HEALTH, SAFETY, PROTECTION AND WELFARE OF THE TOWN AND ITS CITIZENS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

- c. Adopt tentative millage rate for FY 2007/08 (Staff report to follow under separate cover.)

**XI. REPORTS**

Town Attorney

Mayor

Consultants

Assistant Town Administrator/Town Clerk

Committee/Delegate Report

Treasurer's Report

(included in packet)

**XII UNFINISHED BUSINESS**

**XIII NEW BUSINESS**

**XIV ADJOURNMENT**

Notice: If any person decides to appeal any decision of the Town Council at this meeting, he/she will need a record of the proceedings and for this purpose; he/she needs to ensure that a verbatim record of the proceedings is made. The record must include the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.0105. The Town of Haverhill does not prepare nor provide such verbatim record.

In accordance with the provisions of the American with disabilities Act (ADA), this document can be made available in an alternate format (large print) upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting Janice C. Rutan, Assistant Town Administrator and Town Clerk, at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida. Phone Number (561) 689-0370 Facsimile Number (561) 689-4317

**TOWN COUNCIL REGULAR MEETING**

**Town Council Meeting  
Town Hall Council Chambers  
Thursday ~ July 12, 2007**

**7:00 p.m.  
OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, July 12, 2007 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Joseph S. Kroll, Mayor; James E. Woods, Council President; Jay Foy, Council Vice President; Jerry Beavers, Council Member; Henry Lynch, Council Member; Mark C. Uptegraph, Council Member; John Foster, Town Attorney; Jack Horniman, Town Planner; Joseph Roche, Code Enforcement Officer and Janice C. Rutan, Town Clerk.

**CALL TO ORDER**

Council President Woods called the meeting to order at 7:00 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Council President Woods delivered the invocation. Council President Woods led the Pledge of Allegiance.

**ROLL CALL**

The Town Clerk called the roll. All members were present.

**APPROVAL OF AGENDA**

There being no additions, deletions or substitutions, the agenda was ordered approved as presented.

**APPROVAL OF THE CONSENT AGENDA**

- a. Approval of the minutes of the May 24, 2007 Regular Meeting**
- b. Approval of the minutes of the June 5, 2007 Workshop**
- c. ~~Approval of the minutes of the June 14, 2007 Regular Meeting~~**

Because Council did not have ample time to review the minutes of the June 14, 2007 meeting, the consent agenda was amended to remove approval of those minutes. **A motion was made by Council Vice President Foy, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve the consent agenda as amended.**

**COMMENTS FROM THE PUBLIC**

Council Vice President Foy introduced Danna Ackerman-White, Senator Aronberg's Legislative Assistant. Ms. Ackerman-White distributed literature and business cards. The Town Council welcomed Ms. Ackerman-White and thanked her for attending the meeting.

**PROCLAMATIONS AND PRESENTATIONS**

None.

**SECOND READINGS AND PUBLIC HEARINGS**

None.

**REGULAR AGENDA**  
**Update on the proposed Stacy Street Elementary School**

Attorney Foster reported that on July 10, 2007, following the close of the Town Council Work Session, the Town Planner, Town Attorney and Town Clerk spoke with Kris Garrison, Planning Director of the Palm Beach County School District. Mr. Foster once again explained to Ms. Garrison that the Town had no objection to a school being situated on Stacy Street. He reiterated that the town did object to use of property within the Town's boundaries as a school as that type use was in conflict with the Town's Comprehensive Plan, and the Town objected to the potential use of a private road (Trailaway Lane) located within the Town as access to that school. Ms. Garrison assured Staff that there would be no improvements on the Trailaway property. The property would be used only for drainage.

It was suggested that the Town consider entering into an Interlocal Agreement with the School District that would allow the school to use the property as recreation and open space. The Town could then stipulate that there would be no improvements to the property; there would be no access allowed from Trailaway; the School District would work with the property owners to amend the present easement restricting use; the Town could require the School District to maintain the property with perimeter buffering, landscaping, and the installation of a wall or fence. Because this type use was not for a school, the town could remain exempt from school siting.

If the use of the Trailaway property was to be classified as recreation and open space, a Comprehensive Pan amendment would be required. A neighborhood park would be allowed through a Special Exception in the R-1 Zoning District, although the only access to the "park" would be through Stacy Street and not through Trailaway.

Mr. Foster and Mr. Horniman both agreed that the best scenario would be for the School District to negotiate with the abutting P.U.D. owners to obtain an additional two acres. Staff had obtained copies of the approved PUD and would be reviewing same. If the County and School District could work something out with the PUD owners, it would provide easier access to the school from that residential property.

A discussion followed as to whether the Town should require a Unity of Title to the properties in the event a recreation and open space land designation is assigned to the Trailaway Lane property. The property located within the Town would be kept separate Unity of Title.

In response to concerns expressed by Council President Woods, Town Attorney Foster explained that entering into an Interlocal Agreement would not diminish the Town's objection to a school use on property within the Town limits, but would instead offer the Town a way to keep traffic off of Trailaway, protect the sanctity of Trailaway as a private road, keep the lot vacant and maintain consistency with the Town's Comprehensive Plan.

Discussion followed. Council Vice President Foy stated that he does not want to see any permanent improvement on the Trailaway Lane property. In addition, he noted his concern that the Pineway and Palmetto Roads may be affected by the school and should be named in the Interlocal Agreement as well. The property on Trailaway should be

referred to as an open field and therefore no structures (i.e., portable classrooms) should be permitted on the site.

The Town Attorney and Town Planner both commented that Kris Garrison was confident that Town would find a legal solution to the issue and that a compromise could be worked out. In addition, they were left with the impression that the Stacy Street School could not be built without the inclusion of the two acres located on Trailaway.

It was agreed that the Town Attorney and Town Planner would move forward with negotiations to include meeting with the County (Commissioner Koons) and School District relative to the school obtaining the additional two acres needed from the abutting P.U.D.

Council President Woods objected to the School's inclusion of the property located in the Town of Haverhill. Council Member Lynch expressed concern that once the Town began to negotiate, the School District could take advantage of the situation. Town Planner Horniman suggested the School District obtain the two acres from the P.U.D. through eminent domain. De-annexation of the Trailaway property was mentioned in passing.

**Noting that this would not be a process for the Town to recover funds, the town would then need to move forward to authorize expending funds. That being said, a motion was made by Council Vice President Foy to authorize the Town Attorney and Town Planner to continue to represent the Town of Haverhill in all matters pertaining to the construction of the Stacy Street school whether by attending meetings or coordinating with the Palm Beach County School District and County under the Mayor's direction until further notice. The motion was seconded by Council Member Uptegraph and unanimously passed (5-0).**

**COMMENTS FROM PALM BEACH COUNTY SHERIFF'S OFFICE**

It was reported that for the prior two week period, there had been a stolen vehicle from Cheryl Road on the 9<sup>th</sup> of July. There was forced entry to the vehicle, which has not yet been recovered. There was a burglary at the Church on Haverhill Road. Not specific to Haverhill, the Deputy Sergeant reported that there had been a rash of stolen dump trucks.

**RESOLUTION NO. R2007 – 03**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA SUPPORTING THE PROPOSED AMENDMENT TO THE PALM BEACH COUNTY CHARTER; PROVIDING THAT THE DISSEMINATION OF INFORMATION CONCERNING THE IMPACTS OF THIS AMENDMENT ON THE CITIZENS OF THE COUNTY AND THE TOWN OF HAVERHILL ARE ESSENTIAL TO THE HEALTH, SAFETY, PROTECTION AND WELFARE OF THE TOWN AND ITS CITIZENS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

The title was read by Attorney Foster. Mr. Foster noted that the proposed Resolution would need to be amended to remove any language reference to expending public funds and resources.

**A motion was made by Council Vice President Foy, seconded by Council Member Beavers and unanimously passed (5-0) to approve Resolution R2007-03 subject to striking the aforementioned lines from the Resolution.**

**Adopt tentative millage rate for FY 2007/08**

Mayor Kroll presented Staff's report. Mayor Kroll explained that recent legislation sets the allowable millage rates using the majority vote (2-3) rollback at 97%; the two-thirds vote (4-1) @ roll back rate and the unanimous vote (5-0) at the maximum millage rate equal to the prior year's operating millage rate, and then ultimately by referendum.

Using that scenario, the Town Council would need to decide from the following:

Current Year Gross Taxable Value for Operating Purposes:	97,139,267
At 97% collection rate	94,225,089
At current millage of 4.7854	450,905
At proposed millage rate of 4.6000	433,435
At roll back rate of 4.2952	404,716
At 97% of roll back rate 4.1663	387,859

Mayor Kroll reminded the Council that once the preliminary millage rate was set, the Town Council could not adopt a permanent millage rate that was higher than the preliminary rate. He cautioned that the Town may have an unforeseen emergency during the budget process that would require the higher millage rate and as such suggested the Council consider setting the rate at 4.6000.

Council Vice President Foy inquired as to whether the delay in getting the Self Storage facility on the Tax Roll inadvertently penalized the Town for this fiscal year by increasing the taxable value to where the Town could not benefit due to roll back requirements.

**Based on Staff's recommendation, a motion was made by Council Vice President Foy, seconded by Council Member Lynch and unanimously passed (5-0) to set the tentative millage rate at 4.6000 per \$1,000. for the FY 2007/08 FY.**

**REPORTS**

**Town Attorney**

Attorney Foster distributed the first draft of the Attainable Workforce Housing Ordinance for Council review. He gave a brief overview and noted that the Ordinance incorporated some of the provisions of Ordinance No. 343 and Ordinance No. 346 as well as district regulations. He noted that the Town Council would need to be able to refer to those documents throughout review of the proposed Ordinance specifically as they related to lot coverage ratios.

He noted that this would be the first draft of many to come.

**Mayor**

The Mayor reported that the Town Planner was updating the Town’s Comprehensive Plan, element by element, in compliance with the Evaluation and Appraisal report and a draft would be forthcoming.

In response to the request of the Parkview Place Homeowner’s Association to have the Town assume ownership of Parkview Place, the Mayor would request that prior to any Council action being taken, the Town Engineer determine the condition of the road and whether it was built to the Town’s specifications. Ordinance No. 346 requires a 50 foot right of way with curb and gutter; the Council was unsure if Parkview Place was constructed to meet current road designs.

The Mayor had received a response from Commissioner Santamaria acknowledging the Town’s request for funding Rutherford Road. Commissioner Santamaria would consider funding the improvements out of his FY discretionary fund budget which would be available October 1, 2007.

The Mayor reported on a meeting held with the developers and property owners of land located on the northwest corner of Belvedere and Jog Roads. The Town was asked to initiate a CRALLS designation for that portion of Belvedere Road on behalf of the developers in lieu of having to widen Belvedere Road. The Mayor expressed his support of a CRALLS designation.

Discussion followed. It was agreed that the developers would be requested to assist the Town with infrastructure improvements as well as to agree to future annexation into the Town should the Town’s boundaries extend that far.

**Consultants**

Council consensus was to invite the Town Engineer to the next meeting to address the Parkview Place issue as well as to present a status report on pending engineering projects to the Town Council.

**Committee/Delegate Report**

Council Member Beavers reported that the Emergency Management Committee had ordered door hangers to be handed out to residents prior to an emergency event. Residents would be requested to display either one or the other side of the door hanger after an emergency event. Depending on what side was displayed, Staff would know if the resident were safe or needed help.

**Annexation Committee:**

Council President Woods reported that the Town, through the assistance of David Kier, would be exploring annexation on the north boundary along Haverhill Road, Cyprus Lane and Cole Street.

Because much of this proposed annexation area would need improvements to the infrastructure, it was suggested that perhaps some of those improvements could be funded through the CRALLS designation agreement.

**Code and Ordinance Committee:**

Staff was requested to schedule a Code and Ordinance Committee meeting.

**Assistant Town Administrator/Town Clerk**

None.

**Treasurer's Report  
(included in packet)**

**UNFINISHED BUSINESS**

None.


**NEW BUSINESS**

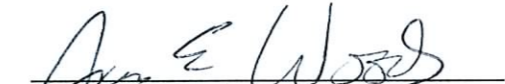
Attorney Foster reported that he and Attorney Fuchs would be attending the Municipal Attorney's seminar in Jacksonville. He commented on the seminar and what a great opportunity it was to attend the event.

**ADJOURNMENT**

With no further business to come before the Town Council, the meeting adjourned at 8:25 p.m.

Approved: 8/23/07

  
Janice C. Rutan, Town Clerk

  
James E. Woods, Council President